

## **REMARKS**

By this amendment, claims 1-4, 12-17, 23-28, 31-34, 37, 38, 44, 45 and 49-52 have been amended and claims 53-60 have been added. No claims have been cancelled. Claims 5, 6, 18, 19, 29, 30, 35 and 36 have been previously cancelled. Currently, claims 1-4, 7-17, 20-28, 31-34 and 37-60 are pending in this application, of which claims 1, 14, 25, 31, 37, 44, 49 and 51 are independent.

Applicant respectfully submits that the above amendments do not add new matter to the application and are fully supported by the specification. In view of the above Amendments and the following Remarks, Applicant respectfully requests reconsideration and withdrawal of the objections and rejections for the reasons discussed below.

### **Objection to the Claims**

Claim 38 was objected to because of several informalities. This objection is respectfully traversed because, in this response, claim 38 has been amended to delete "a" in line 6 and insert "received" in line 8. Accordingly, Applicant respectfully requests withdrawal of the objection to claim 38. This amendment is not made for the purpose of avoiding prior art or narrowing the claimed invention, and no change in claim scope is intended. Therefore, Applicant does not intend to relinquish any subject matter by these amendments.

### **Rejection of Claims under 35 U.S.C. §112, First Paragraph**

Claims 31-34 stand rejected under 35 U.S.C. §112, first paragraph as failing to comply with the written description requirement. Applicant respectfully traverses this rejection for at least the following reasons because, in this response, independent claim 31 has been amended to recite "... when the count for the class of service exceeds a predetermined threshold for the class of service" as generally interpreted by the Examiner.

Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. §112, first paragraph rejection of claims 31-34. This amendment is not made for the purpose of avoiding prior art or narrowing the claimed invention, and no change in claim scope is intended. Therefore Applicant does not intend to relinquish any subject matter by these amendments.

### **Rejection of Claims under 35 U.S.C. §103**

Claims 1, 2, 7-11, 14, 15, 20-22, 25, 26, 31, 32, 37, 39-44, 46-49, and 51 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,405,258 issued to Erimli, ("Erimli") in view of U.S. Patent No. 7,027,457 issued to Chiussi, et al. ("Chiussi"). Applicant respectfully traverses this rejection at least for the following reasons.

In the Advisory Action mailed November 10, 2008, the Examiner stated "there is no structural or functional difference between the claimed egress module ... and output port 90a in FIG. 6 of Erimli." In order to clarify the structural and/or functional differences between the claimed egress module and Erimli's output port 90a, in this

submission, independent claim 1 has been amended to recite "an egress module configured to retrieve the frames of data from the one or more buffers and transmit the retrieved frames of data to a second channel, wherein the egress module exercises flow control on the first channel for each of the classes of service when the count for the class of service exceeds a predetermined threshold for the class of service."

As previously asserted, in Erimli, the flow control is exercised by the output port 90a, which corresponds to the claimed ingress module. Thus, Erimli fails to disclose or suggest "an egress module exercises flow control on the first channel ...," as recited in claim 1.

The secondary reference to Chiussi was introduced by the Examiner to show tracking of the number of queue entries/frame pointers by a plurality of counters and storing a corresponding count. However, Chiussi fails to cure the deficiency of Erimli. For example, Chiussi fails to disclose or suggest "an egress module exercises flow control on the first channel ...," as recited in claim 1.

For at least these reasons, it is respectfully submitted that it would not have been obvious to modify and combine the teachings of Erimli and/or Chiussi, whether taken alone or in any proper combination, to arrive at the invention recited in claim 1. Thus, it is submitted that claim 1 is patentable over Erimli and/or Chiussi, whether taken alone or in any proper combination. Claims 2 and 7-11 depend from independent claim 1, and are patentable for at least the reasons provided above with regard to claim 1, as well as further reasons related to their own recitations.

Independent claims 14, 25, 31, 37, 44, 49 and 51 have been amended in a similar manner, and are accordingly patentable over Erimli and/or Chiussi, whether

taken alone or in any proper combination. Claims 15, 20-22, 26, 32, 39-43 and 46-48 depend from independent claims 14, 25, 31, 37 and 44, and are patentable for at least the reasons provided above with regard to claims 14, 25, 31, 37 and 44, as well as further reasons related to their own recitations.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 1-2, 7-11, 14-15, 20-22, 25-26, 31-32, 37, 39-44, 46-49, and 51 under 35 U.S.C. §103(a).

Claims 3, 4, 12, 13, 16, 17, 23, 24, 27, 28, 33, 34, 38, 45, 50 and 52 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Erimli in view of Chiussi and further in view of U.S. Patent Publication No. 2003/0123393 to Feuerstraeter. ("Feuerstraeter" hereafter). Applicant respectfully traverses this rejection for at least the following reasons.

Claims 3, 4 and 12 are dependent from independent claim 1. As noted above, claim 1 is patentable over Erimli and/or Chiussi, whether taken alone or in any proper combination, because they fail to disclose or suggest "an egress module exercises flow control on the first channel ...," as recited in claim 1.

Feuerstraeter fails to cure the deficiency of the asserted combination of Erimli and Chiussi. Feuerstraeter discloses, in Fig. 2, a flow control agent 214 integrated within a media access controller (MAC) 206 and configured to "[monitor] the received capacity of such received queues in making priority based flow control decision." (Paragraph [0028]) The flow control agent 214 is, however, located at a channel where

data packets are originated. Thus, Feuerstraeter fails to disclose or suggest "an egress module exercises flow control on the first channel ...," as recited in claim 1.

For at least these reasons, it is respectfully submitted that it would not have been obvious to modify and combine the teachings of Erimli, Chiussi and/or Feuerstraeter, whether taken alone or in any proper combination, to arrive at the invention recited in claim 1. Thus, it is submitted that claim 1 is patentable over the asserted combination of Erimli, Chiussi and/or Feuerstraeter. Claims 3, 4 and 12 depend from independent claim 1, and are patentable for at least the reasons provided above with regard to claim 1, as well as further reasons related to their own recitations. For similar reasons, it is submitted that claims 13, 16, 17, 23, 24, 27, 28, 33, 34, 38, 45, 50 and 52 are patentable over Erimli, Chiussi and/or Feuerstraeter, whether taken alone or in any proper combination.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 3, 4, 12, 13, 16, 17, 23, 24, 27, 28, 33, 34, 38, 45, 50 and 52 under 35 U.S.C. §103(a).

## CONCLUSION

Applicant believes that a full and complete response has been made to the Office Action and respectfully submits that all of the stated objections and grounds for rejection have been overcome or rendered moot. Accordingly, Applicant respectfully submits that all pending claims are allowable and that the application is in condition for allowance.

Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact the Applicant's undersigned representative at the number below to expedite prosecution. Prompt and favorable consideration of this Reply is respectfully requested.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'John S. Hiltner', with a long horizontal flourish extending to the right.

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